

identified applications and the relief request was granted not only for the identified application but for all of the applications and patents owned by LJCRF and involved in the same fact pattern.

As pointed out in the Petitions, LJCRF had certain contracts with Telios Pharmaceuticals, Inc. (Telios), which also qualified as a small entity during all of the relevant time periods, which contracts had been found by patent counsel to require that Telios should also have filed small entity Declarations in these same applications and patents. Although such Declarations had not been filed by or on behalf of Telios, the Decision held that this was because of an excusable misunderstanding.

In the Decision dated April 5, 1991, the Patent Office granted the Petitions, and the Petitioner now respectfully requests that the Decision be extended to include the above-identified application which is subject to the identical circumstances specified in the Petitions. A small Entity declaration executed by Telios is attached as Appendix A, and, for convenience, a copy of the Petition dated May 25, 1990, is attached as Appendix B; a copy of the Decision dated September 25, 1990, is attached as Appendix C; a copy of the Request for Reconsideration dated November 26, 1990, is attached as Appendix D; and a copy of the Decision dated April 5, 1991, is attached as Appendix E.

The fact pattern described in the Petitions is the same that in which the subject application/patent was involved. Accordingly, continued small entity status is appropriate for this case, as set forth in the Decision of April 5, 1991.

The granting of small entity status in the subject application/patent is respectfully solicited.

Respectfully submitted,

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